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October 27, 2016

Hon. Carol B. Amon
United States District Court
Eastern District Of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: U.S. v. Jiyao Jiang, 15-cr-628 (CBA)

Dear Judge Amon:

We respectfully request the following instructions. Except where indicated I utilize the government's numbering.

**REQUEST NO. 1: GENERAL REQUESTS JOINTLY MADE WITH
GOVERNMENT**

We ask that the Court give appropriate instructions re:

1. The Role of the Court and the Duties of the Jury;
2. Equality of the Parties Before the Court;
3. Jury Communications with Lawyers and the Court;
4. Presumption of Innocence;
5. Burden of Proof and Reasonable Doubt;
6. Circumstantial Evidence and Direct Evidence;
7. Function of the Indictment and What is Not Evidence;
8. Permissible Inferences Drawn from the Evidence;
9. Stipulations and Objections;
10. Credibility of Witnesses;

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11. Expert Witnesses;
12. No Inference to Be Drawn from Defendants' Failure to Testify (If Applicable);
13. Deliberations;
14. Right to See Exhibits and Have Testimony Read During Deliberations;
15. Questioning Wisdom of Law and Basing Verdict on Sympathy or Prejudice Prohibited;
16. Prior Inconsistent Statements (If Applicable);
17. Interest in Outcome;
18. Dates in Indictment Are Approximate;
19. Duty to Consider Defendants Separately –OMIT;
20. Punishment Not the Province of the Jury;
21. Defendants to be Considered Separately – OMIT

ADDITIONAL GENERAL REQUEST:

22. Mere Presence/ Association (Request Sand 6-3, 6-4)

REQUEST NO. 2

INDICTMENT

The defendant Jiyao Jiang is charged in a one-count Indictment alleging that he knowingly and intentionally conspired to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit. As I instructed you at the outset of this case, an indictment is a charge or accusation. It is evidence of nothing.

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REQUEST NO. 3

Knowledge and Intent – Hold for instructions re charged
offense

REQUEST NO. 4

TESTIMONY OF LAW ENFORCEMENT WITNESSES –

Request Sand 7-16

REQUEST NO. 5

AUDIO RECORDINGS

OMIT unless applicable

REQUEST NO. 6

ALL AVAILABLE EVIDENCE NEED NOT BE
PRODUCED
OMIT

REQUEST NO. 7

PARTICULAR INVESTIGATIVE TECHNIQUES NOT REQUIRED

If applicable, request Sand 4-4

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REQUEST NO. 8

JURY TO CONSIDER ONLY DEFENDANT ON TRIAL
Request Sand 2-18

REQUEST NO. 9

UNCALLED WITNESS EQUALLY AVAILABLE TO BOTH SIDES
OMIT unless issue raised; if so, request Sand 6-7

REQUEST NO. 10

INTERVIEWS OF WITNESSES
OMIT; otherwise, request 7th Cir. Pattern Instruction 1.07, reproduced in Sand

REQUEST NO. 11

ACCOMPLICE TESTIMONY
Request Sand 7-5

REQUEST NO. 12

CONSPIRACY
Request Sand, Chapter 19 (to be inserted during instructions on charged offense)

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REQUEST NO. 13

CO-CONSPIRATOR STATEMENTS AND LIABILITY

Request Sand 19-9

REQUEST NO. 14

AIDING AND ABETTING

OMIT

REQUEST NO. 15

COUNT ONE

(Extortionate Collection of Credit Conspiracy)

The sole count against Mr. Jiyao Jiang alleges that he conspired to use extortionate means to collect an extension of credit.

This count reads as follows:

In or about and between October 2013 and December 2013, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant JIYAO JIANG, also known as “Yi Qiang,” together with others, did knowingly and intentionally conspire to participate in the use of extortionate means to collect and attempt to collect one or more extensions of credit from John Doe 1.

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I will now instruct you on the elements of this offense. First I will instruct you on the elements of conspiracy. After I do so I will instruct you on the elements of the crime of using extortionate means to collect an extension of credit.

[give conspiracy instruction]

Now that I have instructed you regarding the crime of conspiracy I will give you instructions regarding the crime that Mr. Jiang is charged with having conspired to commit.

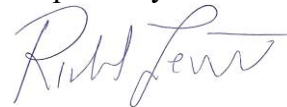
Section 894 of Title 18 of the United States Code provides in pertinent part that:

Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means (1) to collect or attempt to collect any extension of credit, or (2) to punish any person for the non-repayment thereof [commits a crime].

To prove this charge, the government does not have to prove that an extension of credit was actually collected through the use of extortionate means. Nevertheless, you will need to understand the elements of the underlying crime, which I will now give you.

Request Sand 32-5, 32-6, 32-7, 32-8, 32-9

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Rich Levitt", written in a cursive style.

Richard Levitt

cc: AUSA Nadia Moore (by ECF)
co-counsel (by ECF)